

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG 20 2012	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

1 RICHARD SEGERBLOM, Bar No. 1010
2 700 South Third Street
3 Las Vegas NV 89101
4 702.388.9600 (office)
5 702.385.2909 (fax)

6 DAN SIEGEL, admitted *pro hac vice*
7 DEAN ROYER, admitted *pro hac vice*
8 SIEGEL & YEE
9 499 14th Street, Suite 300
10 Oakland, California 94612
11 Telephone: (510) 839-1200
12 Facsimile: (510) 444-6698

13 Attorneys for Plaintiffs

14 MARY PHELPS DUGAN, Nevada Bar No. 657
15 General Counsel
16 GARY A. CARDINAL, Nevada Bar No. 76
17 Assistant General Counsel
18 University of Nevada, Reno
19 1664 North Virginia Street, MS550
20 Reno, Nevada 89557-0550
21 (775) 784-3493
22 (775) 327-2202--FAX

23 Attorneys for Defendants

24 UNITED STATES DISTRICT COURT FOR THE
25 DISTRICT OF NEVADA

26 RANGESAN NARAYANAN and
27 GEORGE FERNANDEZ,

28 Plaintiffs,

vs.

THE STATE OF NEVADA EX REL THE
BOARD OF REGENTS OF THE NEVADA
SYSTEM OF HIGHER EDUCATION, et al,

Defendants.

Case No. 3:11-cv-00744-LRH-VPC

AMENDED STIPULATED PROTECTIVE
ORDER RE CONFIDENTIAL
INFORMATION

SCOPE OF PROTECTIVE ORDER

This Stipulated Protective Order is intended to apply to two categories of information: A. Notices of Layoffs and Reassignments and related correspondence and, emails which the Court ordered Defendant to produce in its Minute Orders dated April 13, 2012 and May 14, 2012, Preliminary Analysis of EEO effects of 2010 proposed Curricular Review which is labeled Bates U07488, correspondence regarding tenure and B. Plaintiffs' Medical Records and Billing/Payment information. Should additional categories of documents be produced that require a protective order, the parties will propose such further order(s) as deemed necessary.

A. Notices of Layoffs and Reassignments, Bates U07488 and Correspondence regarding Tenure :

In order to protect the confidentiality of confidential information obtained by the parties in connection with this case, the parties hereby agree as follows, concerning the notifications by Defendant NSHE to its tenured employees who were retained, reassigned or laid off from either of the two departments in the University of Nevada, Reno's College of Agriculture, Biotechnology and Natural Resources and the notifications to employees who were retained, reassigned or laid off from the Center for Research, Design and Analysis in 2010, and related correspondence, and emails, Bates U07488 regarding EEO issues, and correspondence regarding tenure, which the Court ordered must be provided to Plaintiffs subject to this protective order:

1. All notifications by Defendant NSHE to its tenured employees who were retained, reassigned or laid off from either of the two departments in the University of Nevada, Reno's College of Agriculture, Biotechnology and Natural Resources and the notifications to employees who were retained, reassigned or laid off from the Center for Research, Design and Analysis in 2010, and related correspondence, and emails, Bates U07488 regarding EEO issues, and correspondence regarding tenure, which are subject to this Court's Order for production, shall be considered Confidential Information

1 and shall be used by the party or parties to whom the information is produced solely for
2 the purpose of this case.

3 2. Except with the prior written consent of other parties, or upon prior order of this
4 Court obtained upon notice to opposing counsel, Confidential Information shall not be
5 disclosed to any person other than:

6 (a) counsel for the respective parties to this litigation, including in-house counsel and
7 co-counsel retained for this litigation, including employees of counsel.

8 (b) any authors or recipients of the Confidential Information;

9 (c) the Court, Court personnel and court reporters.

10 **B. Medical Records and Billing Payment Information:**

11 In order to protect the confidentiality of medical records and medical billing and
12 payment information of either or both Plaintiffs obtained by the parties in connection
13 with this case, the parties hereby agree as follows concerning such information.

14 1. All medical records, including billing and payment information, shall be considered
15 Confidential Information and shall be used by the party or parties to whom the
16 information is produced solely for the purpose of this case.

17 2. Except with the prior written consent of other parties, or upon prior order of this
18 Court obtained upon notice to opposing counsel, Confidential Information shall not be
19 disclosed to any person other than:

20 (a) counsel for the respective parties to this litigation, including in-house counsel and
21 co-counsel retained for this litigation.

22 (b) any authors or recipients of the Confidential Information;

23 (c) the Court, Court personnel and court reporters

24 (d) employees of counsel for the parties;

25 (e) the parties;

26 (f) experts retained by either side, provided that each expert shall execute a copy of
27 the Certification attached to this Order as Exhibit "A" (which shall be retained by counsel
28

1 to the party disclosing the Confidential Information and made available for inspection by
2 opposing counsel during the pendency or after the termination of the action only upon
3 good cause shown and upon order of the Court) before being shown or given any
4 Confidential Information;

5 (g) witnesses, provided that each witness shall execute a copy of the Certification
6 attached to this Order as Exhibit "A" (which shall be retained by counsel to the party
7 disclosing the Confidential Information and made available for inspection by opposing
8 counsel during the pendency or after the termination of the action only upon good cause
9 shown and upon order of the Court) before being shown or given any Confidential
10 Information.

11 **C. Provisions Relating to Each Category of Documents:**

12 1. All documents subject to this Protective Order shall be marked "CONFIDENTIAL"
13 by the party producing the documents.

14 2. A party or non-party may designate information disclosed during a deposition or in
15 response to written discovery as "confidential" by so indicating in the response or on the
16 record at the deposition and requesting the preparation of a separate transcript of such
17 material. Additionally a party or non-party may designate in writing, within twenty (20)
18 days after receipt of the responses or of the deposition transcript for which the
19 designation is proposed, that specific pages of the transcript or specific responses be
20 treated as "confidential" information. Any other party may object to the proposal, in
21 writing or on the record. Upon an objection, the parties shall follow the procedures
22 described in paragraph 5 below. After any designation made according to the procedure
23 set forth in this paragraph, the designated documents or information shall be treated
24 according to the designation until the matter is resolved according to the procedures
25 described in paragraph 5 below, and counsel for all parties shall be responsible for
26 making all previously unmarked copies of the designated material in their possession or
27 control with the specified designation.

1 3. Any persons receiving Confidential Information shall not reveal or discuss such
2 information to or with any person who is not entitled to receive such information, except
3 as set forth herein.

4 4. Unless otherwise permitted by statute, rule or prior court order, papers filed with
5 the court under seal shall be accompanied by a contemporaneous motion for leave to
6 file those documents under seal, and shall be filed consistent with the court's electronic
7 filing procedures in accordance with Local Rule 10-5(b). Notwithstanding any
8 agreement among the parties, the party seeking to file a paper under seal bears the
9 burden of overcoming the presumption in favor of public access to papers filed in court.
10 *Kamakana v. City and County of Honolulu*, 447 F.2d 1172 (9th Cir. 2006).

11 5. If a party contends that any material is not entitled to confidential treatment, such
12 party may at any time give written notice to the party or non-party who designated the
13 material. The party or nonparty who designated the material shall have twenty-five (25)
14 days from the receipt of such written notice to apply to the Court for an order
15 designating the material as confidential. The party or non-party seeking the order has
16 the burden of establishing that the document is entitled to protection.

17 6. Notwithstanding any challenge to the designation of material as Confidential
18 Information, all documents shall be treated as such and shall be subject to the
19 provisions hereof unless and until one of the following occurs:

20 (a) the party or non-party claims that the material is Confidential Information
21 withdraws such designation in writing; or

22 (b) the party or non-party who claims that the material is Confidential Information
23 fails to apply to the Court for an order designating the material confidential within the
24 time period specified above after receipt of a written challenge to such designation; or

25 (c) the Court rules the material is not confidential.

26 7. All provisions of this Order restricting the communication or use of Confidential
27 Information shall continue to be binding after the conclusion of this action, unless
28

1 otherwise agreed or ordered. Upon conclusion of the litigation, a party in the possession
2 of Confidential Information, other than that which is contained in pleadings,
3 correspondence, and deposition transcripts, shall either (a) return such documents no
4 later than thirty (30) days after conclusion of this action to counsel for the party or
5 nonparty who provided such information, or (b) destroy such documents within the time
6 period upon consent of the party who provided the information and certify in writing
7 within thirty (30) days that the documents have been destroyed.

8 8. The terms of this Order do not preclude, limit, restrict, or otherwise apply to the
9 use of documents at trial.

10 9. Nothing herein shall be deemed to waive any applicable privilege or work product
11 protection, or to affect the ability of a party to seek relief for an inadvertent disclosure of
12 material protected by privilege or work product protection.

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 Dated: August 13, 2012

SIEGEL & YEE

2
3 By: s/ Dean Royer
4 Dean Royer

5 Attorneys for Plaintiffs
6 RANGESAN NARAYANAN and
7 GEORGE FERNANDEZ

8
9 Dated: August 13, 2012

10 By: s/ Gary A. Cardinal
11 Gary A. Cardinal

12 Attorneys for Defendants
13 THE STATE OF NEVADA EX REL
14 THE BOARD OF REGENTS OF
15 THE NEVADA SYSTEM OF
16 HIGHER EDUCATION ON
17 BEHALF OF THE UNIVERSITY
18 OF NEVADA, RENO, and MARC
19 JOHNSON, in his individual
20 capacity

21 IT IS SO ORDERED:

22 
23 United States Magistrate Judge

24
25 DATED: August 20, 2012

EXHIBIT A

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order dated _____, in *Rangesan Narayanan and George Fernandez v. The State of Nevada ex rel the Board of Regents of the Nevada System of Higher Education, et al.*, Civil Case No. 3:11-cv-00744-LRH-VPC. I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all Confidential Information—including copies, notes, or other transcriptions made from Confidential Information—in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information—including copies, notes or other transcriptions made from Confidential Information—to the counsel who provided me with the Confidential Information. I consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the University of Nevada, Reno, over the age of eighteen years, that I am not a party to the within action, and that on the 13th day of August, 2012, I electronically filed the foregoing **STIPULATED PROTECTIVE ORDER RE CONFIDENTIAL INFORMATION**, with the Clerk of the Court by using the ECF system which served the following parties electronically:

RICHARD SEGERBLOM
700 South Third Street
Las Vegas, Nevada 89101

DAN SIEGEL
DEAN ROYER
SIEGEL & YEE
499 14th Street, Suite 300
Oakland, California 94612

/S/ Catherine M. Bandoni
Employee of the University of Nevada, Reno